

ESTTA Tracking number: **ESTTA686238**

Filing date: **07/28/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	DTE Energy Company		
Entity	Corporation	Citizenship	Michigan
Address	One Energy Way Detroit, MI 48336 UNITED STATES		

Attorney information	MOLLY MACK CRANDALL BROOKS KUSHMAN P.C. 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075 UNITED STATES mcrandall@brookskushman.com, ejanda@brookskushman.com, ejbrooks@brookskushman.com, lsavage@brookskushman.com Phone:248-358-4400
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Registration Subject to Cancellation

Registration No	4648201	Registration date	12/02/2014
Registrant	Green Current Solutions LLC 340 Greengrove Ave. Uniondale, NY 11553 UNITED STATES		

Goods/Services Subject to Cancellation


Class 039. First Use: 2013/01/00 First Use In Commerce: 2013/01/00 All goods and services in the class are cancelled, namely: Distribution of energy

Grounds for Cancellation

False suggestion of a connection	Trademark Act section 2(a)
Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	86359872	Application Date	08/07/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GREENCURRENTS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2006/12/14 First Use In Commerce: 2006/12/14 Promoting public awareness of the need for the development of renewable energy

Attachments	86359872#TMSN.png(bytes) Petition to Cancel - GREEN CURRENT SOLUTIONS.pdf(1711406 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/molly crandall/
Name	MOLLY MACK CRANDALL
Date	07/28/2015

Registration No.:	4648201
Reg. Date:	December 2, 2014
Trademark:	GREEN CURRENT SOLUTIONS & Design
Atty. Docket No.:	MCGC 0194 OC

Cancellation No. _____

BOX TTAB FEE
2900 Crystal Drive
Arlington, VA 22202-3514

Petitioner, DTE Energy ("DTE"), a corporation organized under the laws of Michigan, with a principal place of business at One Energy Way, Detroit, Michigan, 48336, believes that it is and/or will be damaged by the existence of the mark GREEN CURRENT SOLUTIONS & Design on the Principal Register as shown in U.S. Trademark Registration No. 4648201, owned by Green Current Solutions LLC ("GCS"), a corporation organized under the laws of New York, with a principal place of business at 340 Greengrove Ave., Uniondale, New York 11553, and hereby petitions to cancel the same in whole.

As grounds for this petition, it is alleged that:

1. Petitioner DTE is a diversified energy company involved in the development and management of energy-related businesses and services nationwide, and it generates, transmits and distributes electricity and gas to millions of customers in Michigan.

2. Petitioner DTE has used the mark GREENCURRENTS in the United States in connection with promoting public awareness of the need for the development of renewable energy since at least as early as December 2006.

3. Petitioner DTE owned U.S. Reg. No. 3296652 for the mark GREENCURRENTS in connection with "promoting public awareness of the need for the development of renewable energy" in Class 35, which registered on September 25, 2007 (the "'652 Registration").

4. Petitioner DTE's '652 Registration inadvertently was allowed to lapse on May 2, 2014 when Petitioner did not timely file the Section 8 Declaration of Use.

5. Petitioner DTE never ceased use of the mark GREENCURRENTS in connection with promoting public awareness of the need for the development of renewable energy, never had an intent to abandon the mark, and continues to use the mark in connection with its services.

6. Petitioner DTE owns common law trademark rights in the mark GREENCURRENTS in connection with promoting public awareness of the need for the development of renewable energy based upon its continued use of the mark since at least as early as December 2006.

7. Petitioner DTE re-filed a trademark application for the mark GREENCURRENTS on August 7, 2014 for "promoting public awareness of the need for the development of renewable energy" in Class 35 based on use in commerce with a first use date of at least as early as December 14, 2006 as shown in U.S. Serial No. 86/359872 (the "'872 Application").

8. The USPTO has refused registration of Petitioner DTE's '872 Application under Section 2(d) based on a likelihood of confusion with the GREEN CURRENT SOLUTIONS & Design for "distribution of energy" in Class 39 in the name of GCS as shown in U.S. Reg. No. 4648201 (the "'201 Registration").

9. Registrant GCS filed for the mark GREEN CURRENT SOLUTIONS & Design on February 21, 2014, based on use in commerce with a first use date since at least as early as January 2013, and the mark registered on December 2, 2014.

10. Registrant GCS's '201 Registration is less than five years old.

11. Registrant GCS filed its application for the mark GREEN CURRENT SOLUTIONS & Design in 2014, long after DTE established common law trademark rights in the mark GREENCURRENTS in 2006 and obtained its first trademark registration for its mark in 2007.

12. Registrant GCS first used the mark GREEN CURRENT SOLUTIONS & Design in 2013, long after DTE first used its mark GREENCURRENTS in 2006.

13. Petitioner DTE has prior rights in the GREENCURRENTS name and trademark in the United States by over six (6) years.

14. Registrant GCS had at least constructive knowledge of Petitioner DTE's trademark rights based on DTE's prior use in the U.S.

15. Petitioner DTE's GREENCURRENTS mark is strong and well-known in connection with DTE's services.

16. Registrant GCS's mark is identical or highly similar in sound, appearance, and commercial impression to Petitioner DTE's mark since they both begin with the same terms GREEN CURRENT.

17. The services covered in Registrant GCS's '201 Registration are closely related to the services provided under Petitioner DTE's mark GREENCURRENTS. The services are likely to be provided to the same consumers and/or travel in the same channels of trade.

18. Registrant GCS's mark so resembles Petitioner DTE's mark as to be likely, when used in connection with GCS's services, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 USC § 1052(d).

19. Registrant GCS's mark consists of matter which falsely suggests a connection with Petitioner DTE under Section 2(a) of the Lanham Act, as amended, 15 USC §1052(a).

20. Upon information and belief, Registrant GCS has abandoned the mark GREEN CURRENT SOLUTIONS & Design as shown in the '201 Registration due to non-use in the United States, since Petitioner has been unable to locate current use by Registrant.

21. For the foregoing reasons, Petitioner DTE is and/or will be damaged by the existence of the '201 Registration for the mark GREEN CURRENT SOLUTIONS & Design.

WHEREFORE, Petitioner DTE requests that '201 Registration for the mark GREEN CURRENT SOLUTIONS & Design, U.S. Registration No. 4648201, be cancelled in whole.

Respectfully submitted,

By


Molly Mack Crandall

Elizabeth F. Janda

Attorneys for Petitioner DTE

Date:

July 28, 2015

BROOKS KUSHMAN P.C.

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CERTIFICATE OF SERVICE

I certify that I served:

PETITION TO CANCEL

On July 28, 2015 by:

☒ delivering (via First-Class mail)


a copy to:

Green Current Solutions LLC
340 Greengrove Ave.
Uniondale, New York 11553

Green Current Solutions LLC
1225 Franklin Avenue
Suite 325
Garden City, New York 11530

Registered Agent:
Spiegel & Utrera, P.A., P.C.
1 Maiden Lane, 5th Floor
New York, New York 10038

Registrant, DOS Process, and Registered Agent of Registrant



Cathy Nikkila



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GREENCURRENTS

Word Mark	GREENCURRENTS
Goods and Services	(CANCELLED) IC 035. US 100 101 102. G & S: Promoting public awareness of the need for the development of renewable energy. FIRST USE: 20061214. FIRST USE IN COMMERCE: 20061214
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77063932
Filing Date	December 14, 2006
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	July 10, 2007
Registration Number	3296652
Registration Date	September 25, 2007
Owner	(REGISTRANT) DTE Energy Company CORPORATION MICHIGAN Room 688 WCB 2000 2nd Avenue Detroit MICHIGAN 48226
Attorney of Record	George H. Hathaway

6/1/2015

Trademark Electronic Search System (TESS)

Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead
Indicator DEAD
Cancellation
Date May 2, 2014

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GREENCURRENTS

Word Mark	GREENCURRENTS
Goods and Services	IC 035. US 100 101 102. G & S: Promoting public awareness of the need for the development of renewable energy. FIRST USE: 20061214. FIRST USE IN COMMERCE: 20061214
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86359872
Filing Date	August 7, 2014
Current Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) DTE ENERGY COMPANY CORPORATION MICHIGAN One Energy Way Detroit MICHIGAN 48336
Attorney of Record	MOLLY MACK CRANDALL
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Word Mark GREEN CURRENT SOLUTIONS
Goods and Services IC 039. US 100 105. G & S: Distribution of energy. FIRST USE: 20130100. FIRST USE IN COMMERCE: 20130100
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 01.07.01 - Globes with outlines of continents
 01.09.05 - Atomic models; Molecular models
 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)
 26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal
Serial Number 86200430
Filing Date February 21, 2014
Current Basis 1A
Original Filing Basis 1A
Published for Opposition September 16, 2014
Registration Number 4648201
Registration Date December 2, 2014

Owner (REGISTRANT) Green Current Solutions LLC CORPORATION NEW YORK 340 Greengrove Ave.
Uniondale NEW YORK 11553

Attorney of Record Matthew H. Swyers

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GREEN" AND "SOLUTIONS" APART FROM THE MARK AS SHOWN

Description of Mark The color(s) black, green, white, silver is/are claimed as a feature of the mark. The mark consists of the words "GREEN CURRENT SOLUTIONS". To the left is the word "GREEN" in a stylized black font. To the right of the word "GREEN" is an image the Earth. The Earth is composed of the land being green, the water is black, the center portion of the land is white. The image of a green atom with three shaded green circles is presented through the earth. Attached below the Earth are four silver metal bars. To the right of the Earth is the word "CURRENT" in a black font. Below the word "CURRENT" is the word "Solutions" in a black font.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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